



Sen. Susan Garrett

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1 AMENDMENT TO SENATE BILL 2135

2 AMENDMENT NO. _____. Amend Senate Bill 2135, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Section 6-411 as follows:

7 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

8 Sec. 6-411. Qualifications of Driver Training Instructors.

9 (1) In order to qualify for a license as an instructor for
10 a driving school, an applicant must:

11 (a) Be of good moral character;

12 (b) Authorize an investigation to include a
13 fingerprint based background check to determine if the
14 applicant has ever been convicted of a crime and if so, the
15 disposition of those convictions; this authorization shall
16 indicate the scope of the inquiry and the agencies which

1 may be contacted. Upon this authorization the Secretary of
2 State may request and receive information and assistance
3 from any federal, state or local governmental agency as
4 part of the authorized investigation. Each applicant shall
5 submit his or her fingerprints to the Department of State
6 Police in the form and manner prescribed by the Department
7 of State Police. These fingerprints shall be checked
8 against the fingerprint records now and hereafter filed in
9 the Department of State Police and Federal Bureau of
10 Investigation criminal history records databases. The
11 Department of State Police shall charge a fee for
12 conducting the criminal history records check, which shall
13 be deposited in the State Police Services Fund and shall
14 not exceed the actual cost of the records check. The
15 applicant shall be required to pay all related fingerprint
16 fees including, but not limited to, the amounts established
17 by the Department of State Police and the Federal Bureau of
18 Investigation to process fingerprint based criminal
19 background investigations. The Department of State Police
20 shall provide information concerning any criminal
21 convictions, and their disposition, brought against the
22 applicant upon request of the Secretary of State when the
23 request is made in the form and manner required by the
24 Department of State Police. Unless otherwise prohibited by
25 law, the information derived from this investigation
26 including the source of this information, and any

1 conclusions or recommendations derived from this
2 information by the Secretary of State shall be provided to
3 the applicant, or his designee, upon request to the
4 Secretary of State, prior to any final action by the
5 Secretary of State on the application. Any criminal
6 convictions and their disposition information obtained by
7 the Secretary of State shall be confidential and may not be
8 transmitted outside the Office of the Secretary of State,
9 except as required herein, and may not be transmitted to
10 anyone within the Office of the Secretary of State except
11 as needed for the purpose of evaluating the applicant. The
12 information obtained from this investigation may be
13 maintained by the Secretary of State or any agency to which
14 such information was transmitted. Only information and
15 standards which bear a reasonable and rational relation to
16 the performance of a driver training instructor shall be
17 used by the Secretary of State. Any employee of the
18 Secretary of State who gives or causes to be given away any
19 confidential information concerning any criminal charges
20 and their disposition of an applicant shall be guilty of a
21 Class A misdemeanor unless release of such information is
22 authorized by this Section;

23 (c) Pass such examination as the Secretary of State
24 shall require on (1) traffic laws, (2) safe driving
25 practices, (3) operation of motor vehicles, and (4)
26 qualifications of teacher;

1 (d) Be physically able to operate safely a motor
2 vehicle and to train others in the operation of motor
3 vehicles. An instructors license application must be
4 accompanied by a medical examination report completed by a
5 competent physician licensed to practice in the State of
6 Illinois;

7 (e) Hold a valid Illinois drivers license;

8 (f) Have graduated from an accredited high school after
9 at least 4 years of high school education or the
10 equivalent; and

11 (g) Pay to the Secretary of State an application and
12 license fee of \$70.

13 (2) If a driver training school class room instructor or
14 behind-the-wheel instructor teaches an approved driver
15 education course, as defined in Section 1-103 of this Code, to
16 students under 18 years of age, the instructor must meet the
17 following requirements in addition to the requirements
18 contained in subsection (1) of this Section:

19 (a) the instructor must have completed 3 consecutive
20 courses in driver task analysis, class room knowledge, and
21 vehicle operational and instructional skills at a State of
22 Illinois accredited university, college, or community
23 college. The courses shall include no less than 8 hours of
24 classroom observation including instructional
25 participation and 12 hours of driving observation
26 including instructional participation of a qualified

1 State-licensed or Illinois State Board of Education
2 certified and endorsed driving instructor. Before
3 licensure by the Secretary of State, an instructor who has
4 completed these courses in another state shall have the
5 coursework evaluated and approved by a State of Illinois
6 accredited university, college, or community college that
7 offers such courses;

8 (b) the instructor must have passed a standardized
9 Illinois minimal competency instructor exam on how to teach
10 driver education as administered by an accredited State
11 university, college, or community college;

12 (c) the instructor must qualify for relicensing every 2
13 years through participation in 15 hours of continuing
14 education to improve driver education teaching competency.
15 The professional development training may be obtained
16 through a State agency, college, or university or
17 professional education organization. Professional
18 development hours shall be accepted for the purpose of
19 enhancing instructional knowledge and skills in support of
20 teaching driver education best practices. The instructor
21 must maintain a professional development file that
22 includes the agenda, objectives, time schedule, and all
23 completion certificates for the continuing education,
24 which must be submitted every 2 years to the Secretary of
25 State for approval, collection, and storage;

26 (d) the instructor must submit to a teaching

1 observation and evaluation by a State official every 2
2 years; and

3 (e) the instructor must use the National Driver
4 Education Standards curriculum. The curriculum must be
5 endorsed by the Illinois State Board of Education for both
6 public and commercial driving schools. A driver training
7 school class room instructor or behind-the-wheel
8 instructor under this subsection (e) shall require
9 students under 18 years of age to obtain at least 12 hours
10 of in-car driving observation of another student that is
11 under the direct supervision of an instructor meeting the
12 qualifications contained in this Section. The curriculum
13 required under this subsection (e) shall include but is not
14 limited to the following:

15 (i) elements of distracted driving, including text
16 messaging and cell phone use;

17 (ii) highway construction and maintenance zones;

18 (iii) railroad crossing safety;

19 (iv) alcohol and drug use prevention awareness;

20 (v) organ donation education;

21 (vi) a unit on driving laws that pertain primarily
22 to teen drivers, including graduated driver's license
23 requirements, curfew laws, and zero tolerance;

24 (vii) an educationally sound, widely accepted
25 driver education textbook that will be provided for
26 purchase or loan, to be kept by each student throughout

1 the duration of the course for use at both home and
2 school;

3 (viii) if feasible, professional speakers
4 discussing traffic safety and other related topics;

5 (ix) use of an educationally sound, widely
6 accepted driver education instructor's textbook; and

7 (ix) a State-approved standardized final exam to
8 insure minimal student competency in the classroom
9 portion of the course.

10 (3) If a driver training school class room instructor or
11 behind-the-wheel instructor teaches an approved driver
12 education course, as defined in Section 1-103 of this Code, to
13 students under 18 years of age, the instructor shall be subject
14 to oversight by the Secretary of State. The collection and
15 storage of all personnel teaching credentials, instructor
16 teaching certificates or licenses, endorsements or other
17 credentials, will be required of the Secretary of State.

18 (4) Whenever there is an agreement such as, but not limited
19 to, a contractual relationship between a school district and a
20 commercial or private driving school to outsource or contract
21 out a course required by Section 27-24.2 of the School Code,
22 the driver training instructor teaching the course must meet
23 the requirements of Section 252.40 of Title 23 of the Illinois
24 Administrative Code.

25 (5) If on July 1, 2011, a driver training school class room
26 instructor or behind-the-wheel instructor is teaching an

1 approved driver education course, as defined in Section 1-103
2 of this Code, to students under 18 years of age and has less
3 than 5 years of experience, he or she will have until July 1,
4 2014 to complete the courses and testing required by paragraphs
5 (a) and (b) of subsection (2) of this Section. A driver
6 training school class room instructor or behind-the-wheel
7 instructor who has not prior to July 1, 2011 taught an approved
8 driver education course, as defined in Section 1-103 of this
9 Code, to students under 18 years of age, or whose existing
10 driver education course instructor license to instruct
11 students under 18 years of age has expired, shall complete the
12 licensing course and testing requirements required by
13 paragraphs (a) and (b) of subsection (2) of this Section on or
14 after January 1, 2012 and prior to conducting an approved
15 driver education course in any licensed commercial driving
16 school in this State. Except as otherwise provided in this
17 subsection (5), effective January 1, 2012, any person holding,
18 or any applicant for, a commercial driving school instructor's
19 license to teach teens, must complete the courses and testing
20 required by paragraphs (a) and (b) of subsection (2) of this
21 Section by July 1, 2014. A driver training school class room
22 instructor or behind-the-wheel instructor who, as of January 1,
23 2012, has 5 or more continuous years experience teaching an
24 approved driver education course, as defined in Section 1-103
25 of this Code, to students under 18 years of age, or has 5 or
26 more continuous years teaching at a teen-accredited commercial

1 driving school licensed by the Secretary, is exempt from
2 paragraphs (a) and (b) of subsection (2) of this Section.

3 (6) If a driver training school class room instructor or
4 behind-the-wheel instructor teaches an approved driver
5 education course, as defined in Section 1-103 of this Code, to
6 students under 18 years of age, he or she shall furnish to the
7 Secretary of State a certificate issued by the State Board of
8 Education that the said instructor is qualified and meets the
9 minimum educational standards for teaching driver education
10 courses in the local public or parochial school systems, except
11 that no State Board of Education certification shall be
12 required of any instructor who teaches exclusively in a
13 commercial driving school unless that same commercial driving
14 school is in a contractual relationship with a public school
15 for the purpose of teaching an approved driver education course
16 as defined by Section 1-103 of this Code. On and after July 1,
17 1986, the existing rules and regulations of the State Board of
18 Education concerning commercial driving schools shall continue
19 to remain in effect and ~~but~~ shall be administered by the
20 Secretary of State until such time as the Secretary of State
21 shall amend or repeal the rules in accordance with the Illinois
22 Administrative Procedure Act. Upon request, the Secretary of
23 State shall issue a certificate of completion to a student
24 under 18 years of age who has completed an approved driver
25 education course at a commercial driving school.

26 (7) The Secretary of State is responsible for overseeing

1 each commercial driving school and shall make available
2 verification that each instructor has met all instructor
3 licensing requirements.

4 (Source: P.A. 95-331, eff. 8-21-07; 96-740, eff. 1-1-10;
5 96-962, eff. 7-2-10.)".